

EXHIBIT A



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 ALAMEDA COUNTY
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 CLERK OF THE SUPERIOR COURT
 By *[Signature]* Deputy

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
 COUNTY OF ALAMEDA**

NORTHERN CALIFORNIA CLERGY
 CASES

PLAINTIFF #00039,

Plaintiff,

v.

DOE 1, A CALIFORNIA CORPORATION
 SOLE; DOE 2; AND DOES 3 THROUGH
 100, INCLUSIVE,

Defendants.

Case No.: JCCP 5108
 Judge: Hon. Evelio Grillo
 Department: 21

**MASTER COMPLAINT FOR DAMAGES
 FOR:**

- (1) INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS;
- (2) HUMAN TRAFFICKING (*CIVIL CODE §52.5*);
- (3) NEGLIGENCE;
- (4) NEGLIGENT SUPERVISION;
- (5) NEGLIGENT RETENTION/HIRING;
- (6) NEGLIGENT FAILURE TO WARN, TRAIN OR EDUCATE;
- (7) BREACH OF FIDUCIARY DUTY;
- (8) CONSTRUCTIVE FRAUD (*CIVIL CODE §1573*);
- (9) SEXUAL HARASSMENT (*CIVIL*

BY FAX

1 **CODE §51.9);**
2 **(10) FRAUDULENT TRANSFER (CIVIL**
3 **CODE §3439, ET SEQ.) ;**
4 **(11) SEXUAL BATTERY (CIVIL CODE §**
5 **1708.5 ;**
6 **(12) SEXUAL ASSAULT**
7 **(13) GENDER VIOLENCE**
8 **(14) VIOLATION OF PENAL CODE**
9 **§288(A) ;**
10 **(15) VIOLATION OF PENAL CODE**
11 **§647.6(A) ;**
12 **(16) VIOLATION OF PENAL CODE**
13 **§265.**

14 **DEMAND FOR JURY TRIAL**

15 **COMES NOW**, the Plaintiffs who hereby complain and allege against Defendants DOE
16 ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE PERPETRATOR, and DOES 1 through
17 500, inclusive ("Defendants"), as follows:

18 **GENERAL ALLEGATIONS APPLICABLE TO ALL CLAIMS**

19 1. The Plaintiffs, survivors of childhood sexual abuse, bring this action to hold the
20 religious institutions accountable that they and their family entrusted with their safety as minor
21 children; institutions that harbored their perpetrators and failed to protect these minor children
22 with whom the RELIGIOUS ENTITY DEFENDANTS stood *in loco parentis*. This case seeks to
23 vindicate the rights of these survivors who unnecessarily suffered abuse at the hands of trusted
24 religious leaders, to whom they were vulnerable and which they trusted. This Master Complaint
25 has been created and will be adopted by each Plaintiff assigned to the Coordinated Proceeding,
26 *Northern California Clergy Cases*, JCCP Case No. 5108. Hereinafter, the term "Plaintiff" will be
27 utilized, and referring to each Plaintiff that provides an adoption form to this Master Complaint.

28 **THE PLAINTIFF**

1 2. The Plaintiff is an adult individual, who is under the age of forty (40) years old.
2 Therefore, the Plaintiff need not file Certificates of Merit, pursuant to *Code of Civil Procedure*
3 §340.1(g) and is permitted to name the Defendants in this action by their true and correct names.

4 3. The Plaintiff is an adult individual, who is over the age of forty (40) years old.

1 Therefore, the Plaintiff has filed a declaration from a mental healthcare practitioner, and an
2 attorney declaration for each named defendant in this Action, pursuant to the requirements of
3 *Code of Civil Procedure* §340.1. Moreover, each named defendant in this action shall be named
4 as a "Doe" pursuant to the requirement of *Code of Civil Procedure* §340.1(n), until such time as a
5 declaration of corroborative fact has been approved by the Court.

6 4. A declaration of corroborative fact has been filed in this matter and approved by a
7 Court of competent jurisdiction. As such, the Plaintiff, who is over the age of forty (40) years of
8 age, is permitted to name the Defendants by their true and correct names.

9 5. The Plaintiff is a minor, thus, the instant Complaint is brought by and through the
10 Plaintiff's Guardian *ad litem*.

11 6. The Plaintiff is currently a resident of the State of California.

12 7. The Plaintiff was a resident of the State of California, during the time when the
13 childhood sexual abuse, harassment and/or assault occurred.

14 8. The childhood sexual abuse, harassment, and/or assault occurred within the State
15 of California, at least in part.

16 **DEFENDANTS**

17 **(Defendant, DOE ARCHDIOCESE)**

18 9. Defendant DOE ARCHDIOCESE is at all times mentioned herein was and is, a
19 corporation sole, having its principal place of business in the County of San Francisco, State of
20 California. Defendant DOE 1 purposely conducts substantial business activities in the State of
21 California, and was the primary entity owning, operating and controlling the activities and
22 behavior of its employees, agents, volunteers, and/or servants, including the DOE
23 PERPETRATOR, as well as DOES 1 through 500 and all other employees, agents, and
24 supervisors of those defendants.

25 10. The Plaintiff is informed and believes, and thereon alleges that Defendant DOE
26 ARCHDIOCESE was an entity that supervised priests, supervised children, and understood that
27 children would be in its programs, on its premises, and in the care, custody, and control of
28 Defendant DOE ARCHDIOCESE, including the Plaintiff when they were parishioners, and/or

1 participants in religious, recreational, athletic, and/or social activities, altar servers and/or
2 students.

3 11. At all relevant times herein, DOE RELIGIOUS ORDER was required to obtain
4 permission from DOE ARCHDIOCESE, in order for its religious personnel to be assigned within
5 DOE ARCHDIOCESE, and to be in contact with minor children within those institutions. As
6 such, DOE ARCHDIOCESE had a duty to ensure that those DOE RELIGIOUS ORDER
7 personnel were safe to be around minor children and parishioners.

8 **(Defendant, DOE DIOCESE)**

9 12. Defendant DOE DIOCESE, at all times mentioned herein, was and is a corporation
10 sole, having its principal place of business in the State of California. Defendant DOE 1 purposely
11 conducts substantial business activities in the State of California, and was the primary entity
12 owning, operating and controlling the activities and behavior of its employees, agents, volunteers
13 and/or servants, including the DOE PERPETRATOR, as well as DOES 1 through 500 and all
14 other employees, agents, and supervisors of those defendants. The Plaintiff is informed and
15 believes, and thereon alleges that Defendant DOE DIOCESE was an entity that supervised
16 priests, supervised children, and understood that children would be in its programs, on its
17 premises, and in the care, custody, and control of Defendant DOE 1, including the Plaintiffs when
18 they were parishioners, participants in religious, recreational, athletic, and social activities, altar
19 servers and/or students.

20 13. At all relevant times herein, DOE RELIGIOUS ORDER was required to obtain
21 permission from DOE DIOCESE, in order for its religious personnel to be assigned within DOE
22 DIOCESE, and to be in contact with minor children within those institutions. As such, DOE
23 DIOCESE had a duty to ensure that those DOE RELIGIOUS ORDER personnel were safe to be
24 around minor children and parishioners.

25 **(Defendant, DOE PARISH)**

26 14. Defendant DOE PARISH, at all times mentioned herein, was and is, a religious
27 corporation, having its principal place of business in the State of California. Defendant DOE
28 PARISH purposely conducts substantial business activities in the State of California, and was the

1 primary entity owning, operating and controlling the activities and behavior of its employees,
2 agents, volunteers, and/or servants including but not limited to the DOE PERPETRATOR, as
3 well as DOES 1 through 500 and all other employees, agents, and supervisors of those
4 defendants. The Plaintiffs are informed and believe, and thereon allege that Defendant DOE 1
5 was an entity that supervised priests, supervised children, and understood that children would be
6 in its programs, on its premises, and in the care, custody, and control of Defendant DOE 1,
7 including the Plaintiffs when they were parishioners, participants in religious, recreational,
8 athletic, and social activities, altar servers and/or students.

9 15. Defendant DOE PARISH was incorporated after the childhood sexual abuse of the
10 Plaintiff, and was incorporated, as an entity wholly owned, controlled, managed, operated, and
11 supervised by DOE ARCHDIOCESE and/or DOE DIOCESE. It is based upon information, and
12 therefore belief, that DOE PARISH was incorporated as a successor-in-interest to and/or *alter ego*
13 of DOE DIOCESE and/or DOE ARCHDIOCESE.

14 **(Defendant, DOE RELIGIOUS ORDER)**

15 16. Defendant DOE RELIGIOUS ORDER is at all times mentioned herein was and is,
16 a religious corporation. Defendant DOE RELIGIOUS ORDER purposely conducts substantial
17 business activities in the State of California, and was the primary entity owning, operating and
18 controlling the activities and behavior of its employees, agents, volunteers, and/or servants,
19 including the DOE PERPETRATOR, as well as DOES 1 through 500 and all other employees,
20 agents, and supervisors of those defendants.

21 17. The Plaintiff is informed and believes, and thereon alleges that Defendant DOE
22 RELIGIOUS ORDER was an entity that supervised priests, other religious personnel, supervised
23 children, and understood that children would be in its programs, on its premises, and in the care,
24 custody, and control of Defendant DOE RELIGIOUS ORDER and its agents, including the
25 Plaintiff.

26 18. Collectively, the institutions DOE ARCHDIOCESE, DOE DIOCESE, and/or DOE
27 PARISH named in this lawsuit, shall be referred to as: "RELIGIOUS ENTITY DEFENDANTS",
28 hereinafter.

1 To continue maintaining the facade of a separate and individual existence between and among
2 Defendants, and each of them, would serve to perpetrate a fraud and an injustice.

3 24. Plaintiff is informed and believes, and on that basis alleges, that at all times
4 mentioned herein, Defendants and each of them were the agents, representatives and/or
5 employees of each and every other Defendant. In doing the things hereinafter alleged, Defendants
6 and each of them, were acting within the course and scope of said alternative personality,
7 capacity, identity, agency, representation and/or employment and were within the scope of their
8 authority, whether actual or apparent. Plaintiff is informed and believes, and on that basis alleges,
9 that at all times mentioned herein, Defendants and each of them were the trustees, partners,
10 servants, joint venturers, shareholders, contractors, and/or employees of each and every other
11 Defendant, and the acts and omissions herein alleged were done by them, acting individually,
12 through such capacity and within the scope of their authority, and with the permission and
13 consent of each and every other Defendant and that said conduct was thereafter ratified by each
14 and every other Defendant, and that each of them is jointly and severally liable to Plaintiff.

15 **CHILDHOOD SEXUAL ASSAULT, ABUSE AND/OR HARASSMENT SUFFERED BY**
16 **THE PLAINTIFF.**

17 25. The Plaintiff was subjected to acts of childhood sexual assault, harassment, abuse,
18 and/or molestation by the DOE PERPETRATOR. These acts of childhood sexual assault,
19 harassment, abuse and/or molestation perpetrated upon the Plaintiff, began to occur when the
20 Plaintiff was under the age of 18 years old, and constitute childhood sexual assault within the
21 definition of *Code of Civil Procedure* §340.1(d). These acts of childhood sexual assault,
22 harassment, abuse and/or molestation resulted in the personal physical injury, as well as
23 emotional, psychological and psychiatric injury and damage to the Plaintiff.

24 26. The Plaintiff was a minor child, under the age of 18, at the time of the sexual
25 assaults, harassment, and/or abuse alleged herein, therefore, the Plaintiff did not, and was unable
26 to, give free or voluntary consent to the sexual acts and assaults committed upon Plaintiff by The
27 DOE PERPETRATOR.
28

1 27. The sexual abuse, harassment and/or assaults were committed by the DOE
2 PERPETRATOR for his sexual gratification and was based upon the gender of the Plaintiff.

3 28. The sexually abusive, harassing and/or assaultive acts by the DOE
4 PERPETRATOR were committed in violation of the California *Penal Code*, which proscribes
5 sexual acts and misconduct against minor children.

6 **DAMAGES SUFFERED BY THE PLAINTIFF AS A RESULT OF THEIR CHILDHOOD**
7 **SEXUAL ASSAULT, ABUSE, AND/OR HARASSMENT BY THE DOE PERPETRATOR**

8 29. As a direct and proximate result of the childhood sexual assault, harassment and
9 abuse committed against the Plaintiff by the DOE PERPETRATOR, which was enabled and
10 facilitated by RELIGIOUS ENTITY DEFENDANTS, Plaintiff has suffered personal physical
11 injury of sexual assault, and has and will continue to suffer, psychological, mental and emotional
12 distress. The Plaintiff suffered, and continues to suffer, from, but is not limited to, the following
13 conditions:

- 14 a. Anxiety;
- 15 b. Depression;
- 16 c. Flashbacks and/or reexperiencing;
- 17 d. Suicidal ideation or thoughts;
- 18 e. Suicide attempts;
- 19 f. Anger;
- 20 g. Betrayal;
- 21 h. Loss of faith;
- 22 i. Nervousness;
- 23 j. Problems with those in positions of authority;
- 24 k. Interpersonal relationship problems with those in positions of confidence or trust;
- 25 l. Problems interacting with others, including but not limited to family members;
- 26 m. Guilt, shame, and/or humiliation;

27 30. As a direct and proximate result of the childhood sexual assault, harassment and
28 abuse committed against the Plaintiff by the DOE PERPETRATOR, which was enabled and

1 facilitated by RELIGIOUS ENTITY DEFENDANTS, Plaintiff has, and will continue to, incur
2 expenses for mental, psychological, psychiatric, and medical care due to the assault, according to
3 proof at trial:

- 4 a. Future Medical Expenses, including but not limited psychological and/or
psychiatric care;
- 5 b. Past Medical Expenses (Past) including but not limited psychological and/or
6 psychiatric care;

7 31. As a further direct and proximate result of the DOE PERPETRATOR's sexual
8 assaults, harassment and abuse, which was enabled and facilitated by RELIGIOUS ENTITY
9 DEFENDANTS, Plaintiffs have suffered additional economic injury as follows:

- 10 a. Lost earning capacity (Future);
- 11 b. Lost income (Past).

12 32. These damages were all suffered as to the Plaintiff's general, special and
13 consequential damage in an amount to be proven at trial, but in no event less than the minimum
14 jurisdictional amount of this Court.

15 ///
16 ///

17 **DUTIES OF THE RELIGIOUS ENTITY DEFENDANTS TO PROTECT THE**
PLAINTIFF AND CONTROL THE DOE PERPETRATOR

18 33. At all times herein, the RELIGIOUS ENTITY DEFENDANTS, and each of them,
19 knew or should have known that the DOE PERPETRATOR was unfit, posed a risk of harm to
20 minor children, and/or posed a risk of childhood sexual assault to minor children in its care,
21 custody and control. Specifically, RELIGIOUS ENTITY DEFENDANTS knew or should have
22 known, or were otherwise on notice, that the DOE PERPETRATOR had engaged in misconduct
23 that created the risk of childhood sexual assault and failed to take reasonable steps or to
24 implement reasonable safeguards to avoid acts of childhood sexual assault by the DOE
25 PERPETRATOR on minors, including Plaintiff.

26 34. As a priest, employee, representative, servant, agent, and/or volunteer of
27 RELIGIOUS ENTITY DEFENDANTS, and DOES 1 through 500, the DOE PERPETRATOR
28 was placed into a position of moral, ethical, religious, and legal authority over the Plaintiffs, their

1 parents, and parishioners with whom became into contact. The DOE PERPETRATOR was a
2 confidant to the Plaintiffs and their families, and as a result, there was a special, trusting,
3 confidential and fiduciary relationship between the Plaintiff and the DOE PERPETRATOR, as
4 well as between Defendants DOE 1 and DOES 1-50 and the Plaintiff. Through this relationship
5 with the Plaintiff, Defendants DOE 1 stood *in loco parentis* with the Plaintiff and Plaintiff's
6 family. Specifically, Defendants took the Plaintiff into their custody, care and control, which
7 conferred upon the Plaintiff and their families the reasonable belief that the Plaintiff, a minor
8 children, would be protected and cared for, as if Defendants were the Plaintiffs' own parents.

9 35. As a minor at DEFENDANT RELIGIOUS ENTITIES, where the DOE
10 PERPETRATOR was employed, retained, and worked, Plaintiff was under the DOE
11 PERPETRATOR's, as well as DOE 1 and DOES 1-50's direct supervision, care and control, thus
12 creating a special relationship, fiduciary relationship, and/or special care relationship with
13 Defendants, and each of them. Additionally, as minor children under the custody, care and control
14 of Defendants, Defendants stood *in loco parentis* with respect to Plaintiff while Plaintiff was at
15 DOE 1 and DOES 1 through 500. As the responsible parties and/or employers controlling the
16 DOE PERPETRATOR, Defendants were also in a special relationship with Plaintiff, and owed
17 special duties to Plaintiff.

18 36. Defendants also intentionally and willfully implemented various measures
19 intended and designed to, or which effectively, made the DOE PERPETRATOR's conduct
20 harder to detect including, but not limited to:

- 21 a. Assigning and permitting the DOE PERPETRATOR to remain in a
22 position of authority and trust after DEFENDANT RELIGIOUS
23 ENTITIES and DOES 1 through 500 knew or should have known that was
an unfit agent, servant, employee, member and/or volunteer;
- 24 b. Assigning and permitting the DOE PERPETRATOR to remain in a
25 position of authority and trust after DEFENDANT RELIGIOUS
26 ENTITIES and DOES 1 through 500 knew or should have known that was
in misconduct that created a risk of childhood sexual assault to be
perpetrated by the DOE PERPETRATOR;
- 27 b. Placing the DOE PERPETRATOR in a separate and secluded
28 environment, including placing him in charge of children, which allowed
the DOE PERPETRATOR to sexually and physically interact with and
assault the children, including Plaintiff;

- 1
- 2 c. Authorizing the DOE PERPETRATOR to come into contact with minors,
including Plaintiff, without adequate supervision;
- 3 d. Failing to inform, or concealing from Plaintiff's parents and law
4 enforcement officials the fact that Plaintiff and others were or may have
5 been sexually assaulted after Defendants knew or should have known that
6 the DOE PERPETRATOR may have sexually assaulted Plaintiff or others,
7 thereby enabling Plaintiff to continue to be endangered and sexually
8 assaulted, and/or creating the circumstance where the Plaintiff and others
9 were less likely to receive medical/mental health care and treatment, thus
10 exacerbating the harm to Plaintiff;
- 11 e. Holding out and affirming the DOE PERPETRATOR to Plaintiff and
12 Plaintiff's parents, other children and their parents, and to the community
13 as being in good standing and trustworthy;
- 14 f. Failing to take reasonable steps, and to implement reasonable safeguards
15 to avoid acts of unlawful sexual conduct by the DOE PERPETRATOR
16 with students minor children; and
- 17 g. Failing to put in place a system or procedure to supervise or monitor
18 employees, volunteers, representatives or agents to insure that they did not
19 molest or assault minors in Defendants' custody or care, including
20 Plaintiff.

21 37. By his position within the DEFENDANT RELIGIOUS ENTITIES, Defendants
22 demanded and required that Plaintiff respect the DOE PERPETRATOR in his position of priest,
23 spiritual advisor, confidant, teacher, and/or mentor at DEFENDANT RELIGIOUS ENTITIES
24 and DOES 1 through 500.

25 38. Plaintiff is informed and believe, and on that basis allege, that Defendants and
26 each of them, were or should have been aware of the DOE PERPETRATOR's wrongful conduct
27 at or about the time it was occurring, and thereafter, but took no action to obstruct, inhibit or stop
28 such continuing conduct, or to help Plaintiff endure the trauma from such conduct. Despite the
authority and ability to do so, these Defendants negligently and/or willfully refused to, and/or did
not act effectively to stop the sexual assaults on the Plaintiff, to inhibit or obstruct such assault, or
to protect the Plaintiff from the results of that trauma.

39. During the period of assaults perpetrated upon the Plaintiff, DEFENDANT
RELIGIOUS ENTITIES and DOES 1 through 500 had the authority and the ability to obstruct or
stop the DOE PERPETRATOR's sexual assaults on the Plaintiff, but intentionally, negligently
and/or willfully failed to do so, thereby allowing the assault to occur and to continue unabated.

1 This failure was a part of Defendants' intended plan and arrangement to conceal wrongful acts, to
2 avoid and inhibit detection, to block public disclosure, to avoid scandal, to avoid the disclosure of
3 their tolerance of child sexual molestation and assault, to preserve a false appearance of propriety,
4 and to avoid investigation and action by public authority including law enforcement. The Plaintiff
5 is informed and believes, and on that basis alleges, that such actions were motivated by a desire to
6 protect the reputation of Defendants and each of them, and to protect the monetary support of
7 Defendants while fostering an environment where such assault could continue to occur.

8 **STATUTE OF LIMITATIONS**

9 40. Pursuant to *Code of Civil Procedure* §340.1(q) as amended by Assembly Bill 218,
10 effective January 1, 2020 there is a three (3) year window in which all civil claims of childhood
11 sexual assault are revived if they have not been litigated to finality. This provision provides that,
12 “[n]otwithstanding any other provision of law, any claim for damages described in paragraphs (1)
13 through (3), inclusive, of subdivision (a) that has not been litigated to finality and that would
14 otherwise be barred as of January 1, 2020, because the applicable statute of limitations, claim
15 presentation deadline, or any other time limit had expired, is revived, and these claims may be
16 commenced within three years of January 1, 2020. A plaintiff shall have the later of the three-year
17 time period under this subdivision or the time period under subdivision (a) as amended by the act
18 that added this subdivision.” These claims of the Plaintiff have not been previously litigated to
19 finality and have been filed (or are still pending) within the timeframe specified *supra*, thus, it is
20 timely under the revised provisions of *Code of Civil Procedure* §340.1(q).

21 41. The Plaintiff is under the age of forty (40) years old at the time of filing of the
22 Complaint, therefore, their action is timely pursuant to *Code of Civil Procedure* §340.1(a).

23 42. The Plaintiff is over the age of forty (40) years old at the time of filing of the
24 Complaint. Since this action is being commenced after the Plaintiff's 40th birthday, and as set
25 forth more fully *supra*, it is upon information, and therefore belief, that the RELIGIOUS ENTITY
26 DEFENDANTS knew or had reason to know, or were otherwise on notice, of misconduct that
27 created a risk of childhood sexual assault by DOE PERPETRATOR
28

1 43. Since this action is being commenced after the Plaintiff's 40th birthday, and as set
2 forth more fully *supra*, it is upon information, and therefore belief, that the RELIGIOUS ENTITY
3 DEFENDANTS failed to take reasonable steps, or to implement reasonable safeguards, to avoid
4 acts of childhood sexual assault, including but not limited to preventing or avoiding placement of
5 the DOE PERPETRATOR in a function or environment in which contact with children was an
6 inherent part of that function or environment.

7 44. Pursuant to *Code of Civil Procedure* §340.1(g)(1), a separate Certificate of Merit
8 was filed by the Plaintiff's attorney for each defendant in this action.

9 45. Pursuant to *Code of Civil Procedure* §340.1(g)(2), a declaration from a mental
10 healthcare practitioner was filed concurrently with the instant Complaint for the Plaintiff.

11 **PUNITIVE DAMAGES SOUGHT AGAINST RELIGIOUS ENTITY DEFENDANTS AND**
12 **RESERVATION OF RIGHTS**

13 46. DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500 are, based on
14 information and belief, religious corporations, organized under the laws of California, and
15 therefore, are afforded the protection of *Code of Civil Procedure* §425.14. Upon such time as
16 appropriate, the Plaintiff expressly reserves the right to file a Motion to Amend the instant
17 Complaint, in order to allege facts sufficient to constitute punitive damages against
18 DEFENDANT RELIGIOUS ENTITIES, in accord with evidence that substantiates a finding of
19 the clear and convincing evidentiary requirement of *Civil Code* §3294.

20 **FIRST CAUSE OF ACTION**
21 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
22 **(Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE**
23 **RELIGIOUS ORDER, DOE PERPETRATOR and DOES 1 through 500)**

24 47. Plaintiff repeats, re-alleges and incorporates herein by reference all prior
25 paragraphs, as though fully set forth herein.

26 48. Defendants' conduct towards the Plaintiff, as described herein, was outrageous and
27 extreme.

28 49. A reasonable person would not expect or tolerate the DEFENDANT RELIGIOUS
ENTITIES and DOES 1 through 500 putting the DOE PERPETRATOR in positions of authority
at DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, which enabled the DOE

1 PERPETRATOR to have access to minor children, including the Plaintiff, so that he could
2 commit wrongful sexual acts with them, including the conduct described herein above. The
3 Plaintiff held great trust, faith and confidence in Defendants, which, by virtue of Defendants'
4 wrongful conduct, turned to fear.

5 50. A reasonable person would not expect or tolerate the DEFENDANT RELIGIOUS
6 ENTITIES to be incapable of supervising and preventing employees of Defendants, including the
7 DOE PERPETRATOR, from committing wrongful sexual acts with minor children in their
8 charge, including Plaintiff, or to be incapable of properly supervising the DOE PERPETRATOR
9 to prevent such assault from occurring.

10 51. Defendants' conduct described herein was intentional and malicious and done for
11 the purpose of causing, or with reckless disregard of the rights of the Plaintiff, with the substantial
12 certainty that it would cause Plaintiff and the other children who were enrolled in, participated in,
13 or were members and participants in, activities of their parish and of Defendants' religious,
14 educational, recreational, and social programs, to suffer humiliation, mental anguish and
15 emotional and physical distress.

16 52. As a result of the above-described conduct, Plaintiff suffered and continues to
17 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
18 emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
19 enjoyment of life; has suffered and continues to suffer and were prevented and will continue to be
20 prevented from performing daily activities and obtaining the full enjoyment of life; will sustain
21 loss of earnings and earning capacity, and have incurred and will continue to incur expenses for
22 medical and psychological treatment, therapy, and counseling.

23 53. As to DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, Plaintiff
24 reserves the right to file a Motion to Amend the complaint, pursuant to *Code of Civil Procedure*
25 §425.14.

26 **SECOND CAUSE OF ACTION**
27 **HUMAN TRAFFICKING (CIVIL CODE §52.5)**
28 **(Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE**
RELIGIOUS ORDER, DOE PERPETRATOR and DOES 1 through 500)

1 54. Plaintiff repeats, re-alleges and incorporates herein by reference all prior
2 paragraphs, as though fully set forth herein.

3 55. The Plaintiff, who was a minor when the DOE PERPETRATOR took custody of
4 them, was a victim under *Penal Code* §236.1 (specifically, subsection (a)), and is entitled to bring
5 a claim under *Civil Code* §52.5(a).

6 56. The Plaintiff is a victim under California *Penal Code* §236.1(a), given the
7 following facts:

- 8 a. The Plaintiff had their personal liberty and/or freedom deprived when, the
9 DOE PERPETRATOR transported them;
- 10 b. The Plaintiff was a minor, therefore was unable to give consent to such
11 acts. Purported consent of a minor, is no basis for a defense under *Penal*
12 *Code* §236.1(e);
- 13 c. The DOE PERPETRATOR transported the Plaintiff in order to obtain
14 forced, sexual services from the Plaintiff, in a secluded area, which were
15 performed upon the DOE PERPETRATOR;
- 16 d. The Plaintiff, as a minor, did perform forced, sexual services for the DOE
17 PERPETRATOR, after they had been transported. The Plaintiff was a
18 minor at all relevant times and was unable to give valid consent to any of
19 the sex acts that were perpetrated upon them by DOE PERPETRATOR.

20 57. The Defendant RELIGIOUS ENTITY DEFENDANTS, and DOES 1 through 500,
21 having full knowledge of the dangerous and sexually exploitive propensities of the DOE
22 PERPETRATOR, ratified the DOE PERPETRATOR's conduct and are liable pursuant to *C.R. v.*
23 *Tenet Healthcare Corp.* (2009) 169 Cal.App.4th 1094, 1110 ("...an employer may be liable for an
24 employee's act where the employer either authorized the tortious act or subsequently ratified an
25 originally unauthorized tort. [Citations.] The failure to discharge an employee who has committed
26 misconduct may be evidence of ratification. [Citations.] The theory of ratification is generally
27 applied where an employer fails to investigate or respond to charges that an employee committed
28 an intentional tort, such as assault or battery.") Prior to the Plaintiff's transportation by the DOE
PERPETRATOR, the DEFENDANT RELIGIOUS ENTITIES knew, or should have known, that
the DOE PERPETRATOR was unfit to be around minor children and posed a danger to those
children the DOE PERPETRATOR was assigned to care for, or otherwise supervise.

58. Furthermore, the RELIGIOUS ENTITY DEFENDANTS, and DOES 1 through 500, were made well aware that the DOE PERPETRATOR was transporting minor students in his vehicle, with no other adults present. Despite having this knowledge, the RELIGIOUS ENTITY DEFENDANTS, and DOES 1 through 100, chose not to discipline, remove, sanction, deter, supervise, or restrict the DOE PERPETRATOR's conduct.

59. As a result of the above-described conduct, the Plaintiff suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer and were prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain loss of earnings and earning capacity, and have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

60. In subjecting Plaintiff to the wrongful treatment herein described, Defendant DOE PERPETRATOR acted willfully and maliciously with the intent to harm Plaintiff, and in conscious disregard of Plaintiff's rights, so as to constitute malice and/or oppression under California *Civil Code* section 3294.

61. Plaintiff is therefore entitled, upon proper application to the court, to the recovery of punitive damages, in an amount to be determined by the court, the RELIGIOUS ENTITY DEFENDANTS. Plaintiff reserves his right, pursuant to California *Code of Civil Procedure* § 425.14, to seek leave of court to pursue an award of punitive damages against RELIGIOUS ENTITY DEFENDANTS, in a sum to be shown according to proof.

62. Pursuant to *Civil Code* §52.5(a), the Plaintiff is entitled to recover actual damages, compensatory damages, punitive damages (specified above and in accordance with *Code of Civil Procedure* §425.14), as well as attorneys' fees. Furthermore, pursuant to *Civil Code* §52.5(b), the Plaintiff seeks to recover three (3) times their actual damages against Defendants, and DOES 1 through 500, in addition to the remedies stated in the previous sentence, as their actual damages are far exceed \$10,000.00.

THIRD CAUSE OF ACTION

1 **NEGLIGENCE**
2 **(Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE**
3 **RELIGIOUS ORDER, and DOES 1 through 500)**

4 63. Plaintiff repeats, re-alleges and incorporates herein by reference all prior
5 paragraphs, as though fully set forth herein.

6 64. As more fully set forth above, the conduct and actions of the DEFENDANT
7 RELIGIOUS ENTITIES, and DOES 1 through 500, served to create an environment in which the
8 DOE PERPETRATOR was afforded years of continuous secluded access to minor children
9 including the Plaintiff, a minor child at the time of their sexual assaults by the DOE
10 PERPETRATOR.

11 65. As more fully set forth above, Defendants DOE 1, and DOES 1 through 500,
12 inclusive, were aware and/or on notice of the DOE PERPETRATOR's sexual misconduct with
13 minors prior to the first occasion on which Plaintiff was placed in the DOE PERPETRATOR's
14 custody through the acts of Defendants. Accordingly, at the time the DOE PERPETRATOR and
15 Defendants DOE 1, and DOES 1 through 500, inclusive, performed the acts alleged herein, it was
16 or should have been reasonably foreseeable to Defendants that by continuously exposing and
17 making Plaintiff available to the DOE PERPETRATOR, Defendants were placing Plaintiff in
18 grave risk of being sexually assaulted by the DOE PERPETRATOR. By knowingly subjecting
19 Plaintiff to such foreseeable danger, Defendants DOE 1, and DOES 1 through 500, inclusive,
20 were duty-bound to take reasonable steps and implement reasonable safeguards to protect
21 Plaintiff from the DOE PERPETRATOR. Furthermore, as alleged herein, Defendants DOE 1, and
22 DOES 1 through 500, inclusive, at all times exercised a sufficient degree of control over the DOE
23 PERPETRATOR's personal and business affairs to prevent the acts of assault by keeping the
24 DOE PERPETRATOR away from Plaintiffs. However, Defendants DOE 1, and DOES 1 through
25 500, inclusive, failed to take any reasonable steps or implement any reasonable safeguards for
26 Plaintiff's protection whatsoever, and continued to make Plaintiff accessible to the DOE
27 PERPETRATOR for the purposes of sexual assault.

28 **NEGLIGENCE PER SE—PENAL CODE MANDATORY CHILD ABUSE REPORTING**

1 66. Under the Child Abuse and Neglect Reporting Act ("CANRA"), RELIGIOUS
2 ENTITY DEFENDANTS and DOES 1 through 500, inclusive, by and through their agents,
3 servants, volunteers, and/or employees, including priests, were child care custodians and were
4 under a statutory duty to report known or suspected incidents of sexual molestation or abuse of
5 minors to a child protective agency, pursuant to California *Penal Code* § 11166, and/or not to
6 impede the filing of any such report. Furthermore, RELIGIOUS ENTITY DEFENDANTS and
7 DOES 1 through 500 were under a statutory duty to provide their employees with various
8 acknowledgements of reporting requirements under *Penal Code* §11166.5.

9 67. Defendants RELIGIOUS ENTITY DEFENDANTS and DOES 1 through 500,
10 inclusive, knew or should have known that their agent, employee, counselor, advisor and mentor,
11 the DOE PERPETRATOR, had sexually molested, abused or caused touching, battery, harm, and
12 other injuries to minors, including Plaintiff, giving rise to a duty to report such conduct under
13 California *Penal Code* §11166.

14 68. Defendants RELIGIOUS ENTITY DEFENDANTS and DOES 1 through 500,
15 inclusive, knew, or should have known of in the exercise of reasonable diligence, that an undue
16 risk to minors, including the Plaintiff, existed because Defendants DOE 1 did not comply with
17 California's mandatory reporting requirements.

18 69. By failing to report the continuing molestations and assaults, which RELIGIOUS
19 ENTITY DEFENDANTS and DOES 1 through 500, inclusive, knew of or should have known of,
20 and by ignoring the fulfillment of the mandated compliance with the reporting requirements
21 provided under California *Penal Code* § 11166, Defendants DOE 1 and DOES 1 through 500,
22 inclusive, created the risk and danger contemplated by CANRA, and as a result, unreasonably and
23 wrongfully exposed Plaintiff and other minors to sexual molestation and abuse.

24 70. The Plaintiff was a member of the class of persons for whose protection California
25 *Penal Code* § 11166 was specifically adopted to protect.

26 71. Had RELIGIOUS ENTITY DEFENDANTS and DOES 1 through 500, inclusive,
27 adequately reported the molestation of Plaintiff and other minors as required by California *Penal*
28 *Code* § 11166, further harm to Plaintiff and other minors would have been avoided.

1 72. As a proximate result of RELIGIOUS ENTITY DEFENDANTS and DOES 1
2 through 500's, inclusive, failure to follow the mandatory reporting requirements of California
3 *Penal Code* § 11166, Defendants DOE 1, and DOES 1 through 500, inclusive, wrongfully denied
4 the Plaintiff and other minors the intervention of child protection services. Such public agencies
5 would have changed the then-existing arrangements and conditions that provided the access and
6 opportunities for the molestation of Plaintiffs by the DOE PERPETRATOR.

7 73. The physical, mental, and emotional damages and injuries resulting from the
8 sexual molestation of Plaintiff by the DOE PERPETRATOR, were the type of occurrence and
9 injuries that the CANRA was designed to prevent.

10 74. As a result, RELIGIOUS ENTITY DEFENDANTS and DOES 1 through 500's,
11 inclusive, failure to comply with the mandatory reporting requirements of California *Penal Code*
12 § 11166 also constituted a *per se* breach of Defendants' DOE 1, and DOES 1 through 500's,
13 inclusive duties to Plaintiff.

14 75. As a direct and proximate result of the failure of Defendants DOE 1 and DOES 1
15 through 500, inclusive, to protect Plaintiff from the acts of childhood sexual assault to which they
16 were subjected to by the DOE PERPETRATOR, Plaintiff has suffered the physical injury of
17 sexual assault and has suffered and will continue to suffer severe mental and emotional distress
18 including, but not limited to, great pain of mind and body, shock, emotional distress, physical
19 manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation,
20 and loss of enjoyment of life; have suffered and continue to suffer and were prevented and will
21 continue to be prevented from performing daily activities and obtaining the full enjoyment of life;
22 will sustain loss of earnings and earning capacity, and have incurred and will continue to incur
23 expenses for medical and psychological treatment, therapy, and counseling; and loss of past and
24 future earnings and other economic benefits according to proof at the time of trial.

25 **FOURTH CAUSE OF ACTION**
26 **NEGLIGENT SUPERVISION**
27 **(Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE**
28 **RELIGIOUS ORDER, and DOES 1 through 500)**

1 76. Plaintiff repeats, re-alleges and incorporates herein by reference all prior
2 paragraphs, as though fully set forth herein.

3 77. By virtue of Plaintiff's special relationship with DEFENDANT RELIGIOUS
4 ENTITIES and DOES 1 through 500, inclusive, and DEFENDANT RELIGIOUS ENTITIES and
5 DOES 1 through 500's, inclusive, relation to the DOE PERPETRATOR, Defendants DOE 1 and
6 DOES 1 through 500, inclusive, owed Plaintiff a duty to provide reasonable supervision of the
7 Plaintiff, to provide reasonable supervision of the DOE PERPETRATOR, to use reasonable care
8 in investigating the DOE PERPETRATOR's background, and to provide adequate warning to the
9 Plaintiff, their families, and other children, of the DOE PERPETRATOR's dangerous
10 propensities and unfitness. Said Defendants, and each of them, further owed Plaintiff a duty to
11 protect against the foreseeable risk of sexual assaults committed upon children, including
12 Plaintiff, during or arising out of those activities sponsored and controlled by Defendants in
13 which Plaintiff was a participant.

14 78. Plaintiff is informed and believe, and on that basis allege, that DEFENDANT
15 RELIGIOUS ENTITIES and DOES 1 through 500, inclusive, by and through their respective
16 agents, servants and employees, knew or should have known of the DOE PERPETRATOR's
17 dangerous and exploitive propensities and/or that the DOE PERPETRATOR was an unfit agent.
18 Despite such knowledge, DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500,
19 inclusive, negligently failed to supervise the DOE PERPETRATOR in his position of trust and
20 authority as an authority figure and supervisor of children, where they were able to commit
21 wrongful acts against the Plaintiff. DEFENDANT RELIGIOUS ENTITIES and DOES 1 through
22 500, inclusive, failed to provide reasonable supervision of the DOE PERPETRATOR, failed to
23 use reasonable care in investigating the DOE PERPETRATOR and failed to provide adequate
24 warning to Plaintiff of the DOE PERPETRATOR's dangerous propensities and unfitness.
25 DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, inclusive, further failed to
26 take reasonable measures to prevent sexual assault, harassment, and molestation of children,
27 including Plaintiff.

1 79. Plaintiff is informed and believe, and on that basis allege, that DEFENDANT
2 RELIGIOUS ENTITIES and DOES 1 through 500, inclusive, were put on notice, and knew or
3 should have known, that the DOE PERPETRATOR had previously engaged and was continuing
4 to engage in unlawful sexual conduct with children and committed other felonies, for his own
5 personal gratification, and that it was, or should have been foreseeable that he was engaging, or
6 would engage in illicit sexual activities with Plaintiff, and others, under the cloak of his authority,
7 confidence, and trust, bestowed upon him through DEFENDANT RELIGIOUS ENTITIES and
8 DOES 1 through 500, inclusive, and each of them.

9 80. Plaintiff is informed and believe, and on that basis alleges, that DEFENDANT
10 RELIGIOUS ENTITIES and DOES 1 through 500, inclusive, were placed on actual or
11 constructive notice that, the DOE PERPETRATOR had assaulted children prior to, and/or during
12 the time he was in contact with the Plaintiffs. Plaintiff is informed, and thereon alleges, that
13 DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, inclusive, were informed of
14 sexual assault, harassment and molestations committed by the DOE PERPETRATOR or of
15 conduct that would put a reasonable person on notice of such propensity to assault, harassment
16 and molestation.

17 81. Even though DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500,
18 inclusive, knew or should have known of these activities by the DOE PERPETRATOR,
19 ///
20 DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, inclusive, did nothing to
21 investigate, supervise or monitor the DOE PERPETRATOR to ensure the safety of the guests.

22 82. As an institution entrusted with the care of minors, where staff, employees, agents,
23 and management, such as the DOE PERPETRATOR were placed in contact with minors,
24 DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500's expressly and implicitly
25 represented that these individuals, including the DOE PERPETRATOR, were not a sexual threat
26 to children and others who would fall under the DOE PERPETRATOR 's influence, control,
27 direction, and guidance.

28

1 83. Defendants DOE 1, and DOES 1 through 500, inclusive, negligently failed to
2 supervise the DOE PERPETRATOR in his positions of trust and authority as an employee, agent,
3 counselor and mentor, and/or other authority figure, where the DOE PERPETRATOR was able to
4 commit wrongful acts against the Plaintiff. Defendants DOE 1, and DOES 1 through 500,
5 inclusive, failed to provide reasonable supervision of the DOE PERPETRATOR. Defendants
6 DOE 1 and DOES 1 through 500 further failed to take reasonable measures to prevent sexual
7 harassment, molestation and assault of minors, including the Plaintiff.

8 84. At no time during the periods of time alleged did DEFENDANT RELIGIOUS
9 ENTITIES and DOES 1 through 500, inclusive, have in place a system or procedure to
10 reasonably investigate, supervise and monitor individuals in contact with minor children,
11 including the DOE PERPETRATOR, to prevent pre-sexual grooming and sexual harassment,
12 molestation and assault of children, nor did they implement a system or procedure to oversee or
13 monitor conduct toward minors, students and others in DEFENDANT RELIGIOUS ENTITIES
14 and DOES 1 through 500's care.

15 85. DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, inclusive, were
16 or should have known to be aware and understand how vulnerable children were to sexual
17 harassment, molestation and assault by mentors, advisors, and other persons of authority within
18 DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, inclusive.

19 86. Defendants DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500's,
20 inclusive, conduct was a breach of their duties to the Plaintiff.

21 87. DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, inclusive,
22 breached their duty to the Plaintiff by, *inter alia*, failing to adequately monitor and supervise the
23 DOE PERPETRATOR and stopping the DOE PERPETRATOR from committing wrongful
24 sexual acts with minors including the Plaintiff. This belief is founded on the fact that employees
25 and staff of DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, inclusive,
26 including had suspected the assault was occurring at the time, and failed to investigate into the
27 matter further. Based on these facts, DEFENDANT RELIGIOUS ENTITIES and DOES 1
28 through 500, inclusive, knew or should have known of the DOE PERPETRATOR 's incapacity to

1 supervise and stop employees of DEFENDANT RELIGIOUS ENTITIES and DOES 1 through
2 500, inclusive from committing wrongful sexual acts with minors.

3 88. As a direct and proximate result of the failures of DEFENDANT RELIGIOUS
4 ENTITIES and DOES 1 through 500, inclusive, Plaintiff has suffered and will continue to suffer
5 the physical injury of childhood sexual assault, severe mental and emotional distress including,
6 but not limited to, great pain of mind and body, shock, emotional distress, physical manifestations
7 of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
8 enjoyment of life; have suffered and continue to suffer and were prevented and will continue to
9 be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain
10 loss of earnings and earning capacity, and have incurred and will continue to incur expenses for
11 medical and psychological treatment, therapy, and counseling; and loss of past and future
12 earnings and other economic benefits according to proof at the time of trial.

13 **FIFTH CAUSE OF ACTION**
14 **NEGLIGENT RETENTION/HIRING**
15 **(Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE**
16 **RELIGIOUS ORDER, and DOES 1 through 500)**

17 89. Plaintiff repeats, re-alleges and incorporates herein by reference all prior
18 paragraphs, as though fully set forth herein.

19 90. By virtue of Plaintiff's special relationship with Defendants, inclusive and each of
20 them, and DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500's, inclusive, relation
21 to the DOE PERPETRATOR, DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500,
22 inclusive, owed Plaintiff a duty to not hire and/or retain the DOE PERPETRATOR, given his
23 dangerous and exploitive propensities, which DEFENDANT RELIGIOUS ENTITIES and DOES
24 1 through 500, inclusive, knew or should have known had they engaged in a meaningful and
25 adequate investigation of his background prior to his hiring.

26 91. As an institution entrusted with the care of minors, where staff, employees, agents,
27 and management, such as the DOE PERPETRATOR was placed in contact with minors,
28 DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500's, inclusive, expressly and
implicitly represented that these individuals, including the DOE PERPETRATOR, were not a

1 sexual threat to children and others who would fall under the DOE PERPETRATOR 's influence,
2 control, direction, and guidance.

3 92. Plaintiff is informed and believe, and on that basis allege, that at no time during
4 the periods of time alleged did DEFENDANT RELIGIOUS ENTITIES and DOES 1 through
5 500's, inclusive, have in place a system or procedure to reasonably investigate, supervise and/or
6 monitor those individuals in direct contact with children, including the DOE PERPETRATOR, to
7 prevent pre-sexual grooming and/or sexual harassment, molestation and assault of parishioners,
8 nor did they implement a system or procedure to oversee or monitor conduct toward patrons and
9 others in DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500's, inclusive, care.

10 93. DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, inclusive, and
11 each of them were or should have been aware and understood how vulnerable minor children
12 were to sexual assault, harassment and molestation by persons of authority, including the DOE
13 PERPETRATOR, within the control of DEFENDANT RELIGIOUS ENTITIES and DOES 1
14 through 500, inclusive.

15 94. Plaintiffs are informed and believe, and on that basis allege, other children and/or
16 employees of DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500's, inclusive,
17 complained of the DOE PERPETRATOR's sexual improprieties prior to the sexual assault of the
18 Plaintiff. Either DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500's, inclusive,
19 knew, or at the very least should have known of the DOE PERPETRATOR's prior history of
20 sexual misconduct with minors prior to Plaintiff's assaults.

21 95. Plaintiff is informed, and believes, and on that basis alleges, that the
22 DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, inclusive, were put on notice,
23 and should have known that the DOE PERPETRATOR had previously engaged and continued to
24 engage in unlawful sexual conduct with patrons and other felons, for his own personal
25 gratification, and that it was, or should have been foreseeable that he was engaging, or would
26 engage in illicit sexual activities with Plaintiff, and others, under the cloak of his authority,
27 confidence, and trust, bestowed upon him through DEFENDANT RELIGIOUS ENTITIES and
28 DOES 1 through 500, inclusive.

1 96. Plaintiff is informed and believes, and on that basis alleges that DEFENDANT
2 RELIGIOUS ENTITIES and DOES 1 through 500's, inclusive, were placed on actual and/or
3 constructive notice that the DOE PERPETRATOR had abused, harassed, molested and/or was
4 molesting minor children, both before his sexual assault, molestation and harassment of the
5 Plaintiff, and during that same period. Plaintiff is informed, and thereon alleges, that other third
6 parties, patrons, and/or law enforcement officials informed DEFENDANT RELIGIOUS
7 ENTITIES and DOES 1 through 500, inclusive, of inappropriate conduct and molestations
8 committed by the DOE PERPETRATOR.

9 97. Even though DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500,
10 inclusive, knew or should have known of these activities by the DOE PERPETRATOR, Plaintiff
11 is informed that DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, inclusive,
12 failed to use reasonable care in investigating the DOE PERPETRATOR and did nothing to
13 investigate, supervise or monitor the DOE PERPETRATOR to ensure the safety of the other
14 minor children in his charge, including the Plaintiff.

15 98. DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500's, inclusive,
16 conduct was a breach of their duties to the Plaintiff.

17 99. As a direct and proximate result of the failures of DEFENDANT RELIGIOUS
18 ENTITIES and DOES 1 through 500, inclusive, Plaintiffs have suffered and will continue to
19 suffer the physical injury of sexual assault, and severe mental and emotional distress including,
20 but not limited to, great pain of mind and body, shock, emotional distress, physical manifestations
21 of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of
22 enjoyment of life; have suffered and continue to suffer and were prevented and will continue to
23 be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain
24 loss of earnings and earning capacity, and have incurred and will continue to incur expenses for
25 medical and psychological treatment, therapy, and counseling; and loss of past and future
26 earnings and other economic benefits according to proof at the time of trial.

27 **SIXTH CAUSE OF ACTION**
28 **NEGLIGENT FAILURE TO TRAIN, WARN OR EDUCATE**

1 **(Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE**
2 **RELIGIOUS ORDER, and DOES 1 through 500)**

3 100. Plaintiff repeats, re-alleges and incorporates herein by reference all prior
4 paragraphs, as though fully set forth herein.

5 101. DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, inclusive owed
6 Plaintiff a duty to take reasonable protective measures to protect Plaintiff and other minor
7 children in their charge from the risk of sexual assault, harassment and molestation by the DOE
8 PERPETRATOR by properly warning, training or educating the Plaintiff and other minors about
9 how to avoid such a risk.

10 102. DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, inclusive,
11 breached their duty to take reasonable protective measures to protect Plaintiff and other minor
12 children in their charge, from the risk of sexual assault, harassment and molestation by the DOE
13 PERPETRATOR such as the failure to properly warn, train or educate Plaintiff and other minor
14 children in their charge about how to avoid such a risk.

15 103. Defendants breached their duty to take reasonable protective measures to protect
16 Plaintiff and other minor children in their charge from the risk of sexual harassment, molestation
17 and assault by the DOE PERPETRATOR, by failing to supervising and/or stop employees of
18 DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, inclusive, including the DOE
19 PERPETRATOR from committing wrongful sexual acts with minor children, including Plaintiff.

20 104. As a direct and proximate result of the failures of DEFENDANT RELIGIOUS
21 ENTITIES and DOES 1 through 500, inclusive, Plaintiff has suffered and will continue to suffer
22 severe mental and emotional distress including, but not limited to, great pain of mind and body,
23 shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of
24 self-esteem, disgrace, humiliation, and loss of enjoyment of life; have suffered and continue to
25 suffer and were prevented and will continue to be prevented from performing daily activities and
26 obtaining the full enjoyment of life; will sustain loss of earnings and earning capacity, and have
27 incurred and will continue to incur expenses for medical and psychological treatment, therapy,
28

1 and counseling; and loss of past and future earnings and other economic benefits according to
2 proof at the time of trial.

3 **SEVENTH CAUSE OF ACTION**
4 **BREACH OF FIDUCIARY DUTY**
5 **(Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE**
6 **RELIGIOUS ORDER, DOE PERPETRATOR and DOES 1 through 500)**

7 105. Plaintiff repeats, re-alleges and incorporates herein by reference all prior
8 paragraphs, as though fully set forth herein.

9 106. As set forth more fully above, DEFENDANT RELIGIOUS ENTITIES and DOES
10 1 through 500, inclusive, in concert with the DOE PERPETRATOR, recruited, enticed, and
11 encouraged Plaintiff and Plaintiff's family to give their trust and confidence to Defendants and
12 the DOE PERPETRATOR so that Plaintiffs could be taken from their family's care and
13 supervision and placed under the care and supervision of Defendants and the DOE
14 PERPETRATOR. In so doing, Defendants, inclusive, entered into a fiduciary relationship with
15 Plaintiff whereby Defendants owed Plaintiff an *in loco parentis* duty of care to take all reasonable
16 steps and implement all reasonable safeguards to protect Plaintiff while they were in the custody
17 of Defendants and/or the DOE PERPETRATOR.

18 107. The Plaintiff and other children involved in activities under the control and
19 supervision of DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, agreed to place
20 their trust and confidence in Defendants, inclusive, in the expectation that Defendants would
21 properly supervise Plaintiff and other children similarly placed, regulate their activities and
22 behavior, and ensure their safety. Further, Plaintiff, the Plaintiff's family and other children
23 ///

24 agreed to this because they believed in the integrity of Defendants, inclusive, and therefore felt
25 comfortable in entrusting the minor Plaintiff to the care and custody of Defendants.

26 108. DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, inclusive,
27 breached their duty to Plaintiff by failing to take any reasonable steps or implement any
28 reasonable safeguards to protect Plaintiff from the DOE PERPETRATOR and by allowing
Plaintiff to be sexually assaulted by the DOE PERPETRATOR.

109. As a direct and proximate result of the failures of DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, Plaintiff has suffered and will continue to suffer the physical injury of sexual assault, severe mental and emotional distress including, but not limited to, great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; have suffered and continue to suffer and were prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain loss of earnings and earning capacity, and have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling; and loss of past and future earnings and other economic benefits according to proof at the time of trial.

110. As to DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, Plaintiff reserves the right to file a Motion to Amend the complaint, pursuant to *Code of Civil Procedure* §425.14.

**EIGHTH CAUSE OF ACTION
CONSTRUCTIVE FRAUD (CIVIL CODE §1573)**

(Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE RELIGIOUS ORDER, DOE PERPETRATOR and DOES 1 through 500)

111. Plaintiff repeats, re-alleges and incorporates herein by reference all prior paragraphs, as though fully set forth herein.

112. By holding the DOE PERPETRATOR out as an agent of Defendants, and by allowing him to undertake the educational, religious, and social instruction and accompanying custody and control of minor children such as Plaintiff, Defendants entered into a confidential, fiduciary and special relationship with Plaintiff.

113. By holding themselves out as qualified institutions for the safety and supervision of children, and by undertaking to provide for the wellness, spiritual guidance and mentorship of Plaintiff and other minors, Defendants entered into a confidential, fiduciary and special relationship with Plaintiff.

114. Defendants breached their confidential, fiduciary duty and special duties to Plaintiffs by the wrongful and negligent conduct described above and incorporated into this cause

1 of action, and in so doing, gained an advantage over Plaintiffs in matters relating to Plaintiffs'
2 safety, security and health. In breaching such duties as alleged, Defendants were able to sustain
3 their status as institutions of high moral repute, and preserve their reputation, all at the expense of
4 Plaintiffs' further injury and in violation of Defendants' mandatory duties.

5 115. By virtue of their confidential, fiduciary and special relationship with Plaintiff,
6 Defendants owed Plaintiff a duty to:

- 7 a. Investigate or otherwise confirm or deny such claims of sexual assault;
- 8 b. Reveal such facts to Plaintiff, Plaintiff's families and caretakers, the
community at large, and law enforcement agencies;
- 9 c. Refuse to place the DOE PERPETRATOR and other molesters in
positions of trust and authority within Defendants' institutions;
- 10 d. Refuse to hold out the DOE PERPETRATOR and other molesters to the
11 public, the community, minors, parents and law enforcement agencies as
being in good standing and, trustworthy in keeping with his and their
12 position as a teacher, counselor, spiritual advisor, managing administrator
and authority figure;
- 13 e. Refuse to assign the DOE PERPETRATOR and other molesters to
positions of power within the Defendants' institutions and over minors;
14 and
- 15 f. Disclose to Plaintiff, their families, the public, the Defendants'
community, minors, and law enforcement agencies the wrongful, tortious,
16 and sexually exploitive acts that DOE PERPETRATOR had engaged in
with children;

17 116. Defendants' breach of their respective duties included:

- 18 a. Not making reasonable investigations of the DOE PERPETRATOR;
- 19 b. Issuing no warnings about the DOE PERPETRATOR;
- 20 c. Permitting the DOE PERPETRATOR to routinely be alone with and in
control of minors, unsupervised;
- 21 d. Not adopting a policy to prevent the DOE PERPETRATOR from
routinely having minors in his unsupervised control;

22 ///

- 23 e. Making no reports of any allegations of the DOE PERPETRATOR's
assault of minors prior to or during his employment at Defendants; and
- 24 f. Assigning and continuing to assign the DOE PERPETRATOR to duties
which placed him in positions of authority and trust over minors, positions
25 in which the DOE PERPETRATOR could easily isolate and sexually
assault minors.

26 117. At the time that Defendants engaged in such suppression and concealment of acts,
27 such acts were done for the purpose of causing Plaintiff to forbear on their rights.
28

1 118. Defendants' misconduct did reasonably cause Plaintiff to forbear on their rights.

2 119. The misrepresentations, suppressions and concealment of facts by Defendants
3 were intended to and were likely to mislead Plaintiff and others to believe that Defendants had no
4 knowledge of any charges against the DOE PERPETRATOR, or that there were no other charges
5 of unlawful or sexual misconduct against the DOE PERPETRATOR or others and that there was
6 no need for them to take further action or precaution.

7 120. The misrepresentations, suppressions and concealment of facts by Defendants was
8 likely to mislead Plaintiff and others to believe that Defendants had no knowledge of the fact that
9 the DOE PERPETRATOR was a molester and was known to commit wrongful sexual acts with
10 minors, including Plaintiff.

11 121. DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500 knew or should
12 have known at the time they suppressed and concealed the true facts regarding others' sexual
13 molestations, that the resulting impressions were misleading.

14 122. DEFENDANT RELIGIOUS ENTITIES suppressed and concealed the true facts
15 regarding the DOE PERPETRATOR with the purpose of: preventing Plaintiff, Plaintiff's parents
16 and family, and others, from learning that the DOE PERPETRATOR and others had been and
17 were continuing to sexually harass, molest and assault minors and others under the DOE
18 PERPETRATOR's and Defendants' control, direction, and guidance, with complete impunity;
19 inducing people, including Plaintiff and other benefactors and donors to participate and
20 financially support Defendants' and other enterprises of Defendants; preventing further reports
21 and outside investigations into the DOE PERPETRATOR's and Defendants' conduct; preventing
22 discovery of Defendants' own conduct; avoiding damage to the reputations of Defendants;
23 protecting Defendants' power and status in the community and the academic community;
24 avoiding damage to the reputation of Defendants, or Defendants' institutions; and avoiding the
25 civil and criminal liability of Defendants, of the DOE PERPETRATOR, and of others.

26 123. At all times mentioned herein, Defendants, and in particular the DOE
27 PERPETRATOR and DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, with
28 knowledge of the tortious nature of their own and the DOE PERPETRATOR's conduct,

1 knowingly conspired and gave each other substantial assistance to perpetrate the
2 misrepresentations, fraud and deceit alleged herein—covering up the past allegations of sexual
3 misconduct lodged against the DOE PERPETRATOR, and allowing the DOE PERPETRATOR
4 to remain in his position as a mentor, spiritual leader, and supervisor of children, so they could
5 maintain their reputations and continue to make a profit.

6 124. Plaintiff and others were misled by Defendants' suppressions and concealment of
7 facts, and in reliance thereon, were induced to act or induced not to act, exactly as intended by
8 Defendants. Specifically, Plaintiff and Plaintiff's family were induced to believe that there were
9 no allegations of criminal or sexual assault against the DOE PERPETRATOR and that he was
10 safe to be around children. Had Plaintiff and their families, and others, known the true facts about
11 the DOE PERPETRATOR, they would have not participated further in activities of
12 DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, or continued to financially
13 support Defendants' activities. They would have reported the matters to the proper authorities, to
14 other minors and their parents so as to prevent future recurrences; they would not have allowed
15 children, including Plaintiff, to be alone with, or have any relationship with the DOE
16 PERPETRATOR; they would not have allowed children, including Plaintiff, to attend or be under
17 the control of Defendants; they would have undertaken their own investigations which would
18 have led to discovery of the true facts; and they would have sought psychological counseling for
19 Plaintiff, and for other children molested and assaulted by the DOE PERPETRATOR.

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23 125. By giving the DOE PERPETRATOR the position of spiritual guide, priest,
24 confidant, and trusted individual, Defendants impliedly represented that the DOE
25 PERPETRATOR was safe and morally fit to give children direction and guidance.

26 126. When Defendants made these affirmative or implied representations and non-
27 disclosures of material facts, Defendants knew or should have known that the facts were
28 otherwise. Defendants knowingly and intentionally suppressed the material facts that the DOE

1 PERPETRATOR had on numerous, prior occasions sexually, physically, and mentally assaulted
2 minors of Defendants, including Plaintiff, and knew of or learned of conduct, or should have
3 known of conduct by the DOE PERPETRATOR which placed Defendants on notice that the
4 DOE PERPETRATOR had previously been suspected of felonies, including unlawful sexual
5 conduct with minors, and was likely abusing children.

6 127. Because of Plaintiff's young age, and because of the status of the DOE
7 PERPETRATOR as an authority figure to Plaintiff, Plaintiff was vulnerable to the DOE
8 PERPETRATOR. The DOE PERPETRATOR sought Plaintiff out and was empowered by and
9 accepted Plaintiff's vulnerability. Plaintiff's vulnerability also prevented Plaintiff from effectively
10 protecting themselves from the sexual advances of the DOE PERPETRATOR.

11 128. Defendants had the duty to obtain and disclose information relating to sexual
12 misconduct of the DOE PERPETRATOR.

13 129. Defendants misrepresented, concealed or failed to disclose information relating to
14 sexual misconduct of the DOE PERPETRATOR.

15 130. Defendants knew that they had misrepresented, concealed or failed to disclose
16 information related to sexual misconduct of the DOE PERPETRATOR.

17 131. Plaintiff justifiably relied upon Defendants for information relating to sexual
18 misconduct of the DOE PERPETRATOR.

19 132. DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, and the DOE
20 PERPETRATOR, in concert with each other and with the intent to conceal and defraud, conspired
21 and came to a meeting of the minds whereby they would misrepresent, conceal or fail to disclose
22 information relating to the sexual misconduct of the DOE PERPETRATOR, the inability of
23 Defendants to supervise or stop the DOE PERPETRATOR from sexually harassing, molesting and
24 abusing Plaintiff, and their own failure to properly investigate, supervise and monitor his conduct
25 with minor children.

26 133. By so concealing, Defendants committed at least one act in furtherance of the
27 conspiracy.

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134. As a direct and proximate result of the failures of DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, inclusive, Plaintiff has suffered and will continue to suffer the physical injury of sexual assault, severe mental and emotional distress including, but not limited to, great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; have suffered and continue to suffer and were prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain loss of earnings and earning capacity, and have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling; and loss of past and future earnings and other economic benefits according to proof at the time of trial.

135. In addition, when Plaintiff finally discovered the fraud of Defendants, and continuing thereafter, Plaintiff experienced recurrences of the above-described injuries. In addition, when Plaintiff finally discovered the fraud of Defendants, and continuing thereafter, Plaintiff experienced extreme and severe mental anguish and emotional distress that Plaintiff had been the victim of Defendants' fraud; that Plaintiff had not been able to help other minors being molested because of the fraud, and that Plaintiff had not been able because of the fraud to receive timely medical treatment needed to deal with the problems Plaintiff had suffered and continues to suffer as a result of the sexual harassment, molestation and assault.

136. As to DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, Plaintiff reserves the right to file a Motion to Amend the complaint, pursuant to *Code of Civil Procedure* §425.14.

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NINTH CAUSE OF ACTION
SEXUAL HARASSMENT (*CIVIL CODE* §51.9)
(Against Defendants DOE ARCHDIOCESE, DOE DIOCESE, DOE PARISH, DOE
RELIGIOUS ORDER, DOE PERPETRATOR and DOES 1 through 500)

137. Plaintiff repeats, re-alleges and incorporates herein by reference all prior paragraphs, as though fully set forth herein.

1 138. During Plaintiff's time as a minor at DEFENDANT RELIGIOUS ENTITIES and
2 DOES 1 through 500, the DOE PERPETRATOR intentionally, recklessly and wantonly made
3 sexual advances, solicitations, requests, demands for sexual compliance of a hostile nature based
4 on Plaintiff's gender that were unwelcome, pervasive and severe, including but not limited to the
5 DOE PERPETRATOR, all under the supervision of Defendants, who were acting in the course
6 and scope of their agency with Defendants and each of them. The sexual harassment of each
7 Plaintiff is detailed *supra*.

8 139. The incidents of assault outlined herein above took place while Plaintiff was under
9 the control of Defendants, as well as the staff of DEFENDANT RELIGIOUS ENTITIES and
10 DOES 1 through 500, in their capacity and position as teachers, spiritual advisors, counselors,
11 mentors, supervisors and administrators at DEFENDANT RELIGIOUS ENTITIES and DOES 1
12 through 500 and while acting specifically on behalf of Defendants.

13 140. During Plaintiff's time as a minor at DEFENDANT RELIGIOUS ENTITIES and
14 DOES 1 through 500, the DOE PERPETRATOR intentionally, recklessly and wantonly did acts
15 which resulted in harmful and offensive contact with intimate parts of Plaintiff's persons,
16 including but not limited to, using his position of authority and age to force Plaintiff to give into
17 the DOE PERPETRATOR's sexual suggestions.

18 141. Because of Plaintiff's relationship with DEFENDANT RELIGIOUS ENTITIES
19 and DOES 1 through 500, the DOE PERPETRATOR, and Plaintiff's young age as a minor,
20 Plaintiff was unable to easily terminate the relationship held with the Defendants.

21 142. Because of the DOE PERPETRATOR's age and position of authority, physical
22 seclusion of the Plaintiff, Plaintiff's mental and emotional state, and Plaintiff's young age under
23 the age of consent, Plaintiff was unable to, and did not, give meaningful consent to such acts.

24 143. Even though the Defendants knew or should have known of these activities by the
25 DOE PERPETRATOR, Defendants did nothing to investigate, supervise or monitor the DOE
26 PERPETRATOR to ensure the safety of the minor children.

27 144. Because of Plaintiff's relationship with Defendants, as a minor child, parishioner,
28 student and/or altar server with DEFENDANT RELIGIOUS ENTITIES and DOES 1 through

1 500, and Plaintiff's young age as a minor child, Plaintiff was unable to easily terminate the priest-
2 parishioner relationship with the DOE PERPETRATOR, DEFENDANT RELIGIOUS ENTITIES
3 and DOES 1 through 500.

4 145. A corporation is a "person" within meaning of *Civil Code* section 51.9, which
5 subjects persons to liability for sexual harassment within a business, service or professional
6 relationship, and such an entity defendant may be held liable under this statute for the acts of its
7 employees. *C.R. v. Tenet Healthcare Corp.*, (2009) 169 Cal.App.4th 1094. Further, principles of
8 ratification apply when the principal ratifies the agent's originally unauthorized harassment, as is
9 alleged to have occurred herein.

10 146. DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500 ratified the
11 sexual misconduct of the DOE PERPETRATOR.

12 147. Defendants' conduct (and the conduct of their agents) was a breach of their duties
13 to Plaintiff.

14 148. As a direct and proximate result of the failures of Defendants, inclusive, Plaintiff
15 has suffered and will continue to suffer the physical injury of sexual assault, severe mental and
16 emotional distress including, but not limited to, great pain of mind and body, shock, emotional
17 distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem,
18 disgrace, humiliation, and loss of enjoyment of life; have suffered and continue to suffer and were
19 prevented and will continue to be prevented from performing daily activities and obtaining the
20 full enjoyment of life; will sustain loss of earnings and earning capacity, and have incurred and
21 will continue to incur expenses for medical and psychological treatment, therapy, and counseling;
22 and loss of past and future earnings and other economic benefits according to proof at the time of
23 trial.

24 149. As to DEFENDANT RELIGIOUS ENTITIES and DOES 1 through 500, Plaintiff
25 reserves the right to file a Motion to Amend the complaint for this cause of action for Punitive
26 Damages, pursuant to *Code of Civil Procedure* §425.14.

27 150. Plaintiff seeks attorneys' fees pursuant to *Civil Code* §52, with respect to their
28 claim being made under §51.9, as an available remedy.

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TENTH CAUSE OF ACTION
Fraudulent Transfer
(Against Defendant DOE ARCHDIOCESE, Defendant DOE DIOCESE,
Defendant DOE PARISH, Defendant DOE RELIGIOUS ORDER,
and Defendant DOES 1 through 500)

151. Plaintiff(s) repeats, re-alleges and incorporates herein by reference all prior paragraphs, as though fully set forth herein.

152. During the period of time when Defendant DOE ARCHDIOCESE, Defendant DOE DIOCESE, Defendant DOE PARISH, Defendant DOE RELIGIOUS ORDER, and Defendant DOES 1 through 500, committed acts of misconduct resulting in Defendant PERPETRATOR's childhood sexual assault of Plaintiff(s), Defendant DOE ARCHDIOCESE, Defendant DOE DIOCESE, Defendant DOE PARISH, Defendant DOE RELIGIOUS ORDER, and Defendant DOES 1 through 500, owned, operated and or controlled financial assets.

153. After the period of time when Defendant DOE ARCHDIOCESE, Defendant DOE DIOCESE, Defendant DOE PARISH, Defendant DOE RELIGIOUS ORDER, and Defendant DOES 1 through 500 committed acts of misconduct resulting in Defendant PERPETRATOR's childhood sexual assault of Plaintiff(s), Defendant DOE ARCHDIOCESE, Defendant DOE DIOCESE, Defendant DOE PARISH, Defendant DOE RELIGIOUS ORDER, and Defendant DOES 1 through 500, transferred, (in whole and or in part), interests in financial assets ("Transfer of Asset(s)").

154. Plaintiff(s) is informed and believes that Defendant DOE ARCHDIOCESE, Defendant DOE DIOCESE, Defendant DOE PARISH, Defendant DOE RELIGIOUS ORDER, and Defendant DOES 1 through 500, did not receive reasonably equivalent value for the Transfer of Asset(s).

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155. At the time of said Transfer of Asset(s), Defendant DOE ARCHDIOCESE, Defendant DOE DIOCESE, Defendant DOE PARISH, Defendant DOE RELIGIOUS ORDER, and Defendant DOES 1 through 500, knew that Plaintiff(s), as a survivor of childhood sexual assault committed by Defendant PERPETRATOR, was and is a creditor.

1 156. Notwithstanding this knowledge, Defendant DOE ARCHDIOCESE, Defendant
2 DOE DIOCESE, Defendant DOE PARISH, Defendant DOE RELIGIOUS ORDER, and
3 Defendant DOES 1 through 500 intentionally transferred the interests in financial assets with the
4 actual intent to prevent Plaintiff(s) from collecting from said assets after the Transfer of Asset(s)
5 was complete.

6 157. By reason of the foregoing, the Transfer of Asset(s) is voidable pursuant to
7 California *Civil Code* §§ 3439.04(a)(1) and (2) and § 3439.05, and § 3439.07. Pursuant to
8 California *Civil Code* § 3439.07, Plaintiff(s) request:

- 9 a. a judgment avoiding the Transfer of Asset(s); and/or
10 b. a money judgment against Defendant DOE ARCHDIOCESE, Defendant DOE
11 DIOCESE, Defendant DOE PARISH, Defendant DOE RELIGIOUS ORDER, and
12 Defendant DOES 1 through 500 for the value of the Transfer of Asset(s).

13 158. The recipient(s) of said Transfer of Asset(s), is not yet known by Plaintiff(s).
14 Plaintiff(s) will seek to amend the Complaint to allege their true names and capacities when such
15 have been ascertained.

16 **ELEVENTH CAUSE OF ACTION**
17 **SEXUAL BATTERY**
18 **(Against Defendant DOE PERPETRATOR only)**

19 159. Plaintiff re-alleges and incorporates by reference herein each and every allegation
20 contained herein above as though fully set forth and brought in this cause of action.

21 160. During Plaintiff's time at DEFENDANT RELIGIOUS ENTITIES and DOES 1
22 through 500, the DOE PERPETRATOR intentionally, recklessly and wantonly did acts which
23 were intended to, and did result in harmful and offensive contact with intimate parts of Plaintiff's
24 person. Plaintiff was subjected to numerous instances of sexual assault by the DOE
25 PERPETRATOR, during Plaintiff's time as a minor with DEFENDANT RELIGIOUS ENTITIES
26 and DOES 1 through 500.

27 161. The DOE PERPETRATOR did the aforementioned acts with the intent to cause a
28 harmful or offensive contact with an intimate part of Plaintiff's person and would offend a
reasonable sense of personal dignity. Further, said acts did cause a harmful or offensive contact

1 with an intimate part of Plaintiff's person that would offend a reasonable sense of personal
2 dignity.

3 162. Because of the DOE PERPETRATOR's position of authority over Plaintiff, and
4 Plaintiff's mental and emotional state, and Plaintiff's young age under the age of consent, Plaintiff
5 was unable to, and did not, give meaningful consent to such acts.

6 163. As a direct, legal, and proximate result of the acts of the DOE PERPETRATOR,
7 Plaintiff sustained serious and permanent injuries to his person, all of his damage in an amount to
8 be shown according to proof and within the jurisdiction of the Court.

9 164. As a direct result of the sexual battery by the DOE PERPETRATOR, Plaintiff has
10 difficulty in reasonably or meaningfully interacting with others, including those in positions of
11 authority over Plaintiff including teachers, and supervisors, and in intimate, confidential and
12 familial relationships, due to the trauma of childhood sexual assault inflicted upon him by
13 Defendants. This inability to interact creates conflict with Plaintiff's values of trust and
14 confidence in others, and has caused Plaintiff substantial emotional distress, anxiety, nervousness,
15 anger and fear. As a direct result of the molestation by the DOE PERPETRATOR, Plaintiff has
16 had issues with his personal life, such as issues with trust and control. These feelings have caused
17 Plaintiff substantial emotional distress, guilt, anxiety, nervousness and fear.

18 165. In subjecting the Plaintiff to the wrongful treatment herein described, the DOE
19 PERPETRATOR, acted willfully and maliciously with the intent to harm Plaintiff, and in
20 conscious disregard of Plaintiff's rights, so as to constitute malice and oppression under
21 California *Civil Code* section 3294. Plaintiff is therefore entitled to the recovery of punitive
22 damages, in an amount to be determined by the court, against the DOE PERPETRATOR, in a
23 sum to be shown according to proof.

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26 **TWELFTH CAUSE OF ACTION**
27 **SEXUAL ASSAULT**
28 **(Against Defendant DOE PERPETRATOR only)**

1 166. Plaintiff re-alleges and incorporates by reference herein each and every allegation
2 contained herein above as though fully set forth and brought in this cause of action.

3 167. The DOE PERPETRATOR, in doing the things herein alleged, including intending
4 to subject Plaintiff to numerous instances of sexual abuse and molestation, intended to cause
5 harmful or offensive contact with Plaintiff's person, or intended to put Plaintiff in imminent
6 apprehension of such contact.

7 168. In doing the things herein alleged, Plaintiff was put in imminent apprehension of a
8 harmful or offensive contact by the DOE PERPETRATOR, and actually believed the DOE
9 PERPETRATOR had the ability to make harmful or offensive contact with Plaintiff's person.

10 169. Plaintiff did not consent to the DOE PERPETRATOR intended harmful or
11 offensive contact with Plaintiff's person, or intent to put Plaintiff in imminent apprehension of
12 such contact. Additionally, because Plaintiff was a minor during the time herein alleged, they
13 lacked the ability to consent to sexual contact with any person.

14 170. In doing the things herein alleged, the DOE PERPETRATOR violated Plaintiff's
15 right, pursuant to *Civil Code* section 43, of protection from bodily restraint or harm, and from
16 personal insult. In doing the things herein alleged, the DOE PERPETRATOR violated his duty,
17 pursuant to *Civil Code* section 1708, to abstain from injuring the person of Plaintiff or infringing
18 upon his rights.

19 171. As a result of the above-described conduct, Plaintiff has suffered and continues to
20 suffer great pain of mind and body, shock, emotional distress, physical manifestations of
21 emotional distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss
22 of enjoyment of life; has suffered and continues to suffer and was prevented and will continue to
23 be prevented from performing daily activities and obtaining the full enjoyment of life; will sustain
24 loss of earnings and earning capacity, and/or has incurred and will continue to incur expenses for
25 medical and psychological treatment, therapy, and counseling.

26 172. Plaintiff is informed and based thereon alleges that the conduct of the DOE
27 PERPETRATOR was oppressive, malicious and despicable in that it was intentional and done in
28 conscious disregard for the rights and safety of others, and were carried out with a conscious

1 disregard of her right to be free from such tortious behavior, such as to constitute oppression,
2 fraud or malice pursuant to California *Civil Code* section 3294, entitling Plaintiff to punitive
3 damages against the DOE PERPETRATOR in an amount appropriate to punish and set an
4 example of the DOE PERPETRATOR.

5 **THIRTEENTH CAUSE OF ACTION**
6 **GENDER VIOLENCE (CIVIL CODE §52.4)**
7 **(Against Defendant DOE PERPETRATOR only)**

8 173. Plaintiff re-alleges and incorporates by reference herein each and every allegation
9 contained herein above as though fully set forth and brought in this cause of action.

10 174. The DOE PERPETRATOR's acts committed against Plaintiff, as alleged herein,
11 including the sexual harassment, molestation and assault of the minor Plaintiff constitute gender
12 violence and a form of sex discrimination in that one or more of Defendants' acts would
13 constitute a criminal offense under state law that has an element the use, attempted use, or
14 threatened use of physical force against the person of another, committed at least in part based on
15 the gender of the victim, whether or not those acts have resulted in criminal complaints, charges,
16 prosecution, or convictions.

17 175. The DOE PERPETRATOR acts committed against Plaintiff, as alleged herein,
18 including the sexual harassment, molestation and assault of the minor Plaintiff constitute gender
19 violence and a form of sex discrimination in that the DOE PERPETRATOR conduct caused a
20 physical intrusion or physical invasion of a sexual nature upon Plaintiff under coercive
21 conditions, whether or not those acts have resulted in criminal complaints, charges, prosecution,
22 or conviction.

23 176. As a proximate result of the DOE PERPETRATOR's acts, Plaintiff is entitled to
24 actual damages, compensatory damages, punitive damages, injunctive relief, any combination of
25 those, or any other appropriate relief. Plaintiff is also entitled to an award of attorney's fees and
26 costs pursuant to *Civil Code* § 52.4, against the DOE PERPETRATOR

27 **FOURTEENTH CAUSE OF ACTION**
28 **VIOLATION OF PENAL CODE § 288(a)**
(Against Defendant DOE PERPETRATOR only)

177. Plaintiff re-alleges and incorporates by reference herein each and every allegation

1 contained herein above as though fully set forth and brought in this cause of action.

2 178. California *Penal Code* § 288(a) provides that "... a person who willfully and
3 lewdly commits any lewd or lascivious act, including any of the acts constituting other crimes
4 provided for in Part 1, upon or with the body, or any part or member thereof, of a child who is
5 under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust,
6 passions, or sexual desires of that person or the child, is guilty of a felony and shall be punished
7 by imprisonment in the state prison for three, six, or eight years.."

8 179. The DOE PERPETRATOR engaged in lewd and lascivious acts with Plaintiff
9 while Plaintiff was under eighteen years of age, in violation of California *Penal Code* § 288(a).

10 180. Under California law, victims of childhood sexual abuse are entitled to bring civil
11 actions for violations of *Penal Code* provisions that prohibit adults from engaging in sexual acts
12 with minors, including *Penal Code* § 286(a)-(b)(1). See *Angie M. v. Superior Court*, (1995) 37
13 Cal.App.4th 1217, 1224-1225.

14 181. The DOE PERPETRATOR's above-noted actions in engaging in lewd and
15 lascivious acts with the minor Plaintiff were the proximate and legal causes of physical,
16 psychological, emotional, and economic damages Plaintiff has suffered and continues to suffer to
17 this day. It also has resulted in Plaintiff incurring, and will require him to incur into the future,
18 expenses for medical and psychological treatment, therapy, and counseling.

19 182. The above-described conduct of the DOE PERPETRATOR was oppressive,
20 malicious and despicable in that it was intentional and done in conscious disregard for the rights
21 and safety of Plaintiff, and was carried out with a conscious disregard of Plaintiff's right to be
22 free from such tortious behavior, such as to constitute oppression, fraud or malice pursuant to
23 California *Civil Code* section 3294, entitling Plaintiff to punitive damages against the DOE
24 PERPETRATOR in an amount appropriate to punish and set an example of him.

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26 **FIFTEENTH CAUSE OF ACTION**
27 **VIOLATION OF *PENAL CODE* § 647.6(a)(1)**
28 **(Against Defendant DOE PERPETRATOR only)**

183. Plaintiff re-alleges and incorporates by reference herein each and every allegation

1 contained herein above as though fully set forth and brought in this cause of action.

2 184. California *Penal Code* § 647.6(a)(1) provides that “[e]very person who annoys or
3 molests any child under 18 years of age shall be punished by a fine not exceeding five thousand
4 dollars (\$5,000), by imprisonment in a county jail not exceeding one year, or by both the fine and
5 imprisonment.”

6 185. The DOE PERPETRATOR sexually molested and annoyed the Plaintiff while
7 Plaintiff was under eighteen years of age, in violation of California *Penal Code* § 647.6(a)(1).

8 186. Under California law, victims of childhood sexual abuse are entitled to bring civil
9 actions for violations of *Penal Code* provisions that prohibit adults from engaging in sexual acts
10 with minors, including *Penal Code* § 647.6(a)(1). *See Angie M. v. Superior Court*, (1995) 37
11 Cal.App.4th 1217, 1224-1225.

12 187. The DOE PERPETRATOR’s above-noted actions in annoying and molesting the
13 minor Plaintiff were the proximate and legal causes of physical, psychological, emotional, and
14 economic damages Plaintiff has suffered and continues to suffer to this day. It also has resulted in
15 Plaintiff incurring, and will require him to incur into the future, expenses for medical and
16 psychological treatment, therapy, and counseling.

17 188. The above-described conduct of the DOE PERPETRATOR was oppressive,
18 malicious and despicable in that it was intentional and done in conscious disregard for the rights
19 and safety of Plaintiff, and was carried out with a conscious disregard of Plaintiff’s right to be
20 free from such tortious behavior, such as to constitute oppression, fraud or malice pursuant to
21 California *Civil Code* section 3294, entitling Plaintiff to punitive damages against the DOE
22 PERPETRATOR in an amount appropriate to punish and set an example of him.

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PRAYER FOR RELIEF


Wherefore, Plaintiff prays for Judgment against Defendants as follows:

1. For past, present and future general damages in an amount to be determined at trial;
2. For past, present and future special damages, including but not limited to past, present and future lost earnings, economic damages and others, in an amount to be determined at trial;
3. Any appropriate statutory damages, including attorneys' fees;
4. For costs of suit;
5. For pre- and post-judgment interest as allowed by law;
6. For attorney's fees pursuant to the aforementioned statutes and otherwise allowable by law:
 - a. California *Code of Civil Procedure* § 1021.5;
 - b. California *Code of Civil Procedure* § 1021.4 as to the DOE PERPETRATOR only;
 - c. California *Civil Code* §52;
7. With regard to the Tenth Cause of Action for Fraudulent Transfer, Plaintiff(s) request:
 - a. A judgment declaring that the Transfer of Asset(s) were void and invalid;
 - b. A money judgment against the transferees of the Assets for the value of the Transferred Asset(s);
 - c. Imposition and enforcement of a lien in favor of Plaintiff(s) on the Transfer of Asset(s);
 - d. Other appropriate legal or equitable relief, including an attachment lien or other provisional remedy, an injunction against further disposition of the Transfer of Asset(s) or its proceeds, and/or the appointment of a receiver to take charge of the asset(s) transferred or its proceeds; and/or
 - e. In the alternative, that the Transfer of Asset(s) were void and invalid, a judgment declaring that the purported creation and purpose of the Transfer of Asset(s) was void and invalid, and that all assets held or previously held are subject to the claims of Plaintiff(s).
8. For such other and further relief as the court may deem proper.

1 DATED: September 27, 2021

PANISH SHEA & BOYLE LLP

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3
4 By:


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8 Attorneys for Plaintiff


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10 **DEMAND FOR JURY TRIAL**

11 A trial by jury is hereby demanded by Plaintiff.

12
13 DATED: September 27, 2021

PANISH SHEA & BOYLE LLP

14
15
16 By:


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20 Attorneys for Plaintiff